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OFFICE OF PETITIONS

In re Application of :
Kirkpatrick et al. :
Application No. 09/921,658 : DECISION ON
Filed: August 6, 2001 : PETITION
Attorney Docket No. BS00-311 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT filed November 26, 2007.

The above-identified application became abandoned for failure to timely pay the issue fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed June 5, 2006. A courtesy Notice of Abandonment was mailed on October 9, 2006.

On instant petition, petitioner requests withdrawal of the holding of abandonment based on failure to receive the most recent Office action (both the Notice of Allowance and the subsequently mailed Notice of Abandonment). Petitioner states that the Office action was mailed to the address of the previous law firm despite a power of attorney with change of correspondence address that was filed and received by the Patent Office in August of 2004.

A review of the record confirms that on August 27, 2004, a Power of Attorney and Correspondence Address Indication form was filed by the assignee, along with a properly completed 3.73(b) statement. However, the change of attorney and address were never processed by the Office. No subsequent paper was filed in this application affecting either the attorney or address of record. This evidence supports a conclusion that the Notice of

Allowance was mailed to an incorrect address. Under the circumstances, withdrawal of the holding of abandonment is warranted.

In view thereof, the notice of abandonment mailed October 9, 2006 and the holding of abandonment are hereby WITHDRAWN.

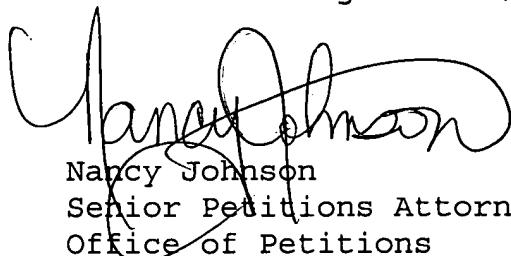
The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

The attorney and address of record have been corrected. However, it is noted that pursuant to the request made on petition both the attorney of record and correspondence address have been changed to CUSTOMER NUMBER 45695. Accordingly, attorneys Jennifer Medlin and Matthew Todd Mitchem noted on the power of attorney filed August 27, 2004 are not of record in this application as they are not attorneys identified under CUSTOMER NUMBER 45695.

Technology Center AU 2173 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the Notice of Allowance and Fee(s) Due (and the Notice of Allowability) mailed June 5, 2006 and for restarting of the period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



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